

State Department review completed

28 February 1951

MEMORANDUM FOR: CHIEF, DIVISION OF HISTORICAL POLICY RESEARCH,  
DEPARTMENT OF STATE

ATTENTION: Mr. G. Bernard Noble

SUBJECT : Captured Enemy Documentation

1. This memorandum answers the two questions contained in your memorandum to me dated 15 February 1951.

a. QUESTION - "What specific provisions or safeguards in respect to captured documentation should be embodied in the terms of peace settlements with Germany, Japan or Italy, fully to protect the interests of the United States, its nationals, or the holding agencies?"

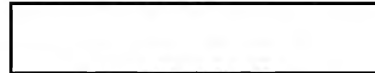
ANSWER - It should be recognized that captured documentation is booty and that ownership of such material has passed to the victorious nations. Any restitution of these documents will be at the discretion of the holding government with the concurrence of any other Allied government having joint ownership.

To mollify any strong objections to such a provision, additional clauses should indicate the willingness of the United States (1) to make restitution of those documents which may be returned without affecting adversely the interests of the United States Government or its nationals, and (2) to give access to the government of former enemy countries to those documents which may not be returned, but which may be examined or reproduced without affecting adversely the interests of the United States Government.

b. QUESTION - "What groups of documents currently in the possession of the agencies fall into the following categories: (1) those not subject to restitution, (2) those subject to restitution under certain specified circumstances and under certain safeguards, and (3) those available for restitution in the foreseeable future with qualification?"

ANSWER - The 20,000 documents now in the custody of CIA representing the residue of the former Washington Documents Center Library, are documents of basic intelligence interest and must be retained by CIA. All other captured documents in the possession of CIA are on loans from other agencies which have the custody of these documents.

2. In addition to these specific answers, this agency wishes to request that it be informed of the intent to restore any groups of documents so that a statement of CIA interest in exploitation may be made prior to any commitment for restoration.



CIA ARCHIVIST

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cc: AD/00 ✓  
AD/OCD  
General Counsel  
Chief, Admin. Services  
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